

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

FILED-CLERK
U.S. DISTRICT COURT
99 MAY 25 PM 4:20
TX EASTERN-BEAUMONT
MDL DOCKET NO. 1038

IN RE NORPLANT CONTRACEPTIVE)
PRODUCTS LIABILITY LITIGATION)
_____)

BY *Beverly H. Hough*

**WYETH'S MOTION FOR PARTIAL SUMMARY JUDGMENT
REGARDING ADEQUACY OF THE NORPLANT LABELING**

TO THE HONORABLE UNITED STATES DISTRICT COURT:

COME NOW Defendants, Wyeth-Ayerst Laboratories, et al., and pursuant to Federal Rule of Civil Procedure 56, move for Partial Summary Judgment Regarding Adequacy of the Norplant Labeling for the reasons set forth in the accompanying Memorandum in Support of such Motion. Defendants have met the requirements for a Partial Summary Judgment in their favor pursuant to Rule 56 and are entitled to judgment in their favor as a matter of law.

WHEREFORE, PREMISES CONSIDERED, Defendants pray that this Motion for Partial Summary Judgment be granted after proper notice to Plaintiffs.

Respectfully submitted,

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By: 

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Dated: May 25, 1999

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was forwarded to all counsel of record on this 24th day of May, 1999 as follows:

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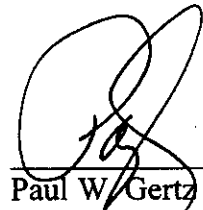
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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

IN RE NORPLANT CONTRACEPTIVE
PRODUCTS LIABILITY LITIGATION

MDL DOCKET NO. 1038
ALL CASES

ORDER

Upon consideration of Wyeth's Motion For Partial Summary Judgment Re Adequacy of The Norplant Labeling, filed May 24, 1999, and the response thereto, it is ORDERED that the motion be and is hereby granted as to all plaintiffs on all claims that Wyeth failed to provide adequate warnings about the following conditions: bleeding irregularities (specifically: many bleedings days or prolonged bleeding, spotting, amenorrhea, irregular onsets of bleeding, frequent bleeding onsets, scanty bleeding), infection at implant site, pain or itching at implant site, removal difficulties, headaches, nervousness, nausea, dizziness, adnexal enlargement, dermatitis, acne, change in appetite, mastalgia, weight gain, hair loss and hair growth, breast discharge, cervicitis, musculoskeletal pain, abdominal discomfort, leukorrhea, and vaginitis.

Signed this __ day of _____, 1999.

RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE